

ASSEMBLY BILL

No. 2070

Introduced by Assembly Member Harper
(Coauthor: Senator Bates)

February 17, 2016

An act to add Section 83123.7 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2070, as introduced, Harper. Political Reform Act of 1974: local enforcement.

Existing law authorizes the Fair Political Practices Commission, upon mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino, to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance of the County of San Bernardino, as specified.

This bill would authorize the Commission and the Board of Supervisors of the County of Orange to also enter into such an agreement, as specified. The bill would require, if an agreement is entered into, that the Commission report specified information to the Legislature regarding the performance of that agreement on or before January 1, 2019.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Orange.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes

upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 83123.7 is added to the Government
2 Code, to read:

3 83123.7. (a) (1) Upon mutual agreement between the
4 Commission and the Board of Supervisors of the County of Orange,
5 the Commission is authorized to assume primary responsibility
6 for the impartial, effective administration, implementation, and
7 enforcement of a local campaign finance ordinance passed by the
8 Board of Supervisors of the County of Orange. Upon agreement,
9 the Commission shall be the civil prosecutor responsible for the
10 civil enforcement of that local campaign finance ordinance in
11 accordance with this title.

12 (2) (A) As the civil prosecutor of the County of Orange's local
13 campaign finance ordinance, the Commission may do all of the
14 following with respect to the local campaign finance ordinance:

15 (i) Provide advice.

16 (ii) Investigate possible violations.

17 (iii) Bring administrative actions in accordance with this title
18 and Chapter 5 (commencing with Section 11500) of Part 1 of
19 Division 3 of Title 2.

20 (iv) Bring civil actions.

21 (B) The Commission shall not be required to obtain
22 authorization from the district attorney of the County of Orange
23 to bring an administrative or civil action pursuant to subparagraph
24 (A).

25 (b) A local campaign finance ordinance of the County of Orange
26 enforced by the Commission pursuant to this section shall comply
27 with this title.

28 (c) The Board of Supervisors of the County of Orange shall
29 consult with the Commission prior to adopting and amending any

1 local campaign finance ordinance that is subsequently enforced
2 by the Commission pursuant to this section.

3 (d) (1) The Board of Supervisors of the County of Orange and
4 the Commission may enter into any agreements necessary and
5 appropriate to carry out the provisions of this section, including
6 agreements pertaining to any necessary reimbursement of state
7 costs with county funds for costs incurred by the Commission in
8 administering, implementing, or enforcing a local campaign finance
9 ordinance pursuant to this section.

10 (2) An agreement entered into pursuant to this subdivision shall
11 not contain any form of a cancellation fee, a liquidated damages
12 provision, or other financial disincentive to the exercise of the
13 right to terminate the agreement pursuant to subdivision (e), except
14 that the Commission may require the Board of Supervisors of the
15 County of Orange to pay the Commission for services rendered
16 and any other expenditures reasonably made by the Commission
17 in anticipation of services to be rendered pursuant to the agreement
18 in the event that the Board of Supervisors of the County of Orange
19 terminates the agreement.

20 (e) The Board of Supervisors of the County of Orange or the
21 Commission may, at any time, by ordinance or resolution, terminate
22 any agreement made pursuant to this section for the Commission
23 to administer, implement, or enforce a local campaign finance
24 ordinance or any provision thereof.

25 (f) If an agreement is entered into pursuant to this section, the
26 Commission shall report to the Legislature regarding the
27 performance of that agreement on or before January 1, 2019, and
28 shall submit that report in compliance with Section 9795. The
29 Commission shall develop the report in consultation with the
30 County of Orange. The report shall include, but not be limited to,
31 all of the following:

32 (1) The status of the agreement.

33 (2) The estimated annual cost savings, if any, for the County of
34 Orange.

35 (3) A summary of relevant annual performance metrics,
36 including measures of utilization, enforcement, and customer
37 satisfaction.

38 (4) Any public comments submitted to the Commission or the
39 County of Orange relative to the operation of the agreement.

40 (5) Any legislative recommendations.

1 SEC. 2. The Legislature finds and declares that a special law
2 is necessary and that a general law cannot be made applicable
3 within the meaning of Section 16 of Article IV of the California
4 Constitution because of the necessity to ensure the integrity of the
5 electoral process while reducing corruption, and the appearance
6 of corruption, in the County of Orange.

7 SEC. 3. The Legislature finds and declares that this bill furthers
8 the purposes of the Political Reform Act of 1974 within the
9 meaning of subdivision (a) of Section 81012 of the Government
10 Code.

11 SEC. 4. This act is an urgency statute necessary for the
12 immediate preservation of the public peace, health, or safety within
13 the meaning of Article IV of the Constitution and shall go into
14 immediate effect. The facts constituting the necessity are:

15 Measure E, which was passed by Orange County voters in
16 November, 2014, authorized the County to contract with the
17 Commission for the administration and enforcement of its local
18 campaign finance ordinance. In order for Measure E to take effect,
19 statutory authority is needed to enter into such an agreement with
20 the Commission. Therefore, is it necessary that this act take effect
21 immediately.